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UNDER
SEAL**

Prob12C
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Rev. March 2017

United States District Court
for
the District of Nevada

PETITION FOR WARRANT
FOR OFFENDER UNDER SUPERVISION

Name of Offender: **Matthew Ryan Ely**

Case Number: **2:18CR00308**

Name of Sentencing Judicial Officer: **Honorable Richard F. Boulware**

Date of Original Sentence: **October 28, 2019**

Original Offense: **Felon in Possession of Firearm, a Class C Felony**

Original Sentence: **13 Months prison, followed by 24 Months TSR.**

Date Supervision Commenced: **May 1, 2020**

Name of Assigned Judicial Officer: **Honorable Richard F. Boulware**

PETITIONING THE COURT

☒ To issue a warrant.

The probation officer believes the offender has violated the following condition(s) of supervision:

1. **You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court, not to exceed 104 tests annually.**
 - A. On June 12, 2020, Ely submitted a urine specimen for drug testing. While awaiting the results of the field test, he admitted smoking marijuana on June 4, 2020. He signed an admission of use form.
 - B. On June 26, 2020, Ely submitted a urine specimen for drug testing at Westcare. The specimen field tested positive for the presence of marijuana, cocaine and opiates. On

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June 29, 2020, the undersigned officer contacted Ely and inquired about the positive field test. Ely admitted ingesting cocaine on June 26, 2020.

For the purposes of applying provisions of 18 U.S.C. 3565(b)(4) (mandatory revocation for submitting more than three (3) positive drug tests in a 12-month period), the defendant has submitted two (2) positive qualifying specimens.

If the Court finds that the positive drug test(s) constitutes possession of a controlled substance, the Court is required to revoke supervision and impose a sentence that includes a term of imprisonment. 18 U.S.C. 3565(b), 3583(g). The Court shall also consider whether the availability or appropriate substance abuse programs, or the offender's current or past participation in such programs warrants an exception from the requirement of mandatory revocation and imprisonment under 18 U.S.C. 3565(b), 3583(g). 18 U.S.C. 3563(a), 3583(d). US vs Hammonds, 370 F.3d 1032 (10th Circ. 2004).

- 2. Drug Testing – You must submit to substance abuse testing up to 3 times weekly to determine if you have used a prohibited substance. Testing shall not exceed 104 tests per year. You must not attempt to obstruct or tamper with testing method.**

On July 23, 2020 at approximately 11:50 a.m., Ely called the undersigned officer and reported he wanted his GPS monitoring equipment removed. He reported that he had a ride to report to the U.S. Probation office. The undersigned officer denied his request to remove the GPS equipment and he was directed to report to the U.S. Probation Office before 3 p.m. for his GPS equipment to be personally inspected and to submit a urine specimen for drug testing. Ely cursed this officer's directive and reported he was done communicating with the undersigned.

At approximately 2:50 p.m. he contacted the undersigned reporting his transportation had been delayed, that he would report sometime around 4 p.m. At 4:36 p.m., Ely texted this officer inquiring if his supervision had been petitioned to be violated. At 5:06 p.m., Ely again texted advising he was not reporting as directed and wished this officer "good luck".

Ely failed to report for drug testing, despite him reportedly having transportation and also having five (5) hours to report to the U.S. Probation office to provide the specimen.

Upon finding that a defendant violated a condition of probation or supervised release by being in possession of controlled substance or firearm or by refusing to comply with a condition requiring drug testing, the Court is required to revoke probation or supervised release and impose a sentence that includes a term of imprisonment. 18 U.S.C. 3565(b) 3583(g).

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- 3. Mental Health Treatment – You must participate in a mental health treatment program and follow the rules and regulation of that program. The probation officer, in consultation with the treatment provider, will supervise your participation in the program (provider, location, modality, duration, intensity, etc.).**

On July 7, 2020 at 12:30 p.m., Ely was scheduled to report to Choices Group for an initial intake appointment for rehabilitative programming. The counseling appointment was a virtual contact due to the Covid pandemic. Ely failed to report for the counseling appointment. Since this time, he has not initiated contact with Choices to reschedule the appointment.

- 4. GPS Location Monitoring – Stand Alone – You will be monitored by the form of GPS location monitoring technology for a period of 14 months/420 days and you must follow the rules and regulations of the location monitoring program. You must pay the costs of the program based on probation departments determination of defendant's ability to pay.**

On July 23, 2020 at approximately 11:50 a.m., Ely was directed to report to the U.S. Probation office for his GPS device to be inspected. Ely failed to report as instructed. At approximately 4:45 p.m., the undersigned was notified that Ely's GPS bracelet had been removed. This officer contacted Ely and inquired why his GPS bracelet had been removed. He texted this officer, confirming the GPS bracelet had been removed. Ely has not responded to attempts by the undersigned to communicate. His whereabouts are unknown, and he is considered an absconder by the U.S. Probation office.

U.S. Probation Officer Recommendation:

The term of supervision should be: ☒ **Revoked**

I declare under penalty of perjury that the information contained herein is true and correct,

Executed on July 24, 2020



Digitally signed by

Scott Phillips

Date: 2020.07.24

16:09:57 -07'00'

Scott Phillips

Senior United States Probation Officer

RE: Matthew Ryan Ely

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Approved:



2020.07.24
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Joy Gabonia
Supervisory United States Probation Officer

THE COURT ORDERS

- ☐ No Action.
- ☒ The issuance of a warrant.
- ☐ The issuance of a summons.
- ☐ Other:



RICHARD F. BOULWARE, II
United States District Judge

July 27, 2020

Date

RE: Matthew Ryan Ely

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**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
UNITED STATES V. MATTHEW RYAN ELY, 2:18CR00308**

**SUMMARY IN SUPPORT OF PETITION FOR WARRANT
July 24, 2020**

Mr. Ely has a history of unwillingness to comply with the Court's orders as reflected by his Presentence Report reflecting a pattern of warrants being issued for Ely's arrest. Additionally, his Pretrial Services supervision bond was revoked on May 20, 2019, resulting in him remaining in custody pending his sentencing hearing. Furthermore, he has a significant history of mental illness, polysubstance abuse and possessing weapons.

Considering his current violation conduct, combined with his prior criminal history, the undersigned believes he poses a risk of nonappearance and danger to the community. The undersigned respectfully requests the issuance of a warrant to initiate revocation proceedings and he remain in custody pending the final resolution of this matter.

Respectfully submitted,



Digitally signed by
Scott Phillips
Date: 2020.07.24
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Scott Phillips
Senior United States Probation Officer

Approved:



2020.07.24
15:33:12 -07'00'

Joy Gabonia
Supervisory United States Probation Officer